

b.) Remarks

Claim 1 has been amended in order to recite the present invention with the specificity required by statute. Claims 3-7, 23-28 and 44-47 are amended for proper dependency or for better idiomatic usage. The subject matter of the amendment is found at specification page 8. Accordingly, no new matter has been added.

Claims 5, 6, 8-26 and 29-49 are withdrawn from prosecution with claims 1-4, 7, 27 and 28 being considered. Rejoinder of dependent withdrawn claims 5, 6, 23-26 and 44-47 is respectfully requested upon allowance of an antecedent product claim.

Claims 7 and 27-28 are objected to for including redundant parenthesis. Such has been attended above.

Claims 1-4 are rejected under 35 U.S.C. §112, first paragraph, because the Examiner states use of lysophosphatidic and phosphatidic acids having fatty acid residues with greater than 23 carbons is not enabled. In response, claim 1 has been amended in conformity with the Examiner's kind suggestion.

Claims 1-4 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. While this rejection is not in conformity with U.S. practice, such has been addressed by the above amendment to claim 1 and cancellation of claim 2 so as to better reduce the issues and expedite prosecution.

Claims 1-4, 7 and 27-28 are rejected under 35 U.S.C. §102(e) as being anticipated by Bathurst, et al. (U.S. Patent No. 6,004,579). Bathurst's compositions consist of PA, PI, LPA, LPI and CPC (see, e.g., the Table at Column 15, lines 43-50) and therefore do not at all teach or suggest the subject matter of the amended claims.

Claims 1-4, 7 and 27-28 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 6,562,803. In response, enclosed is a Terminal Disclaimer together with a check in the

amount of \$110.00 to cover the fee under 37 C.F.R. §1.20(d).

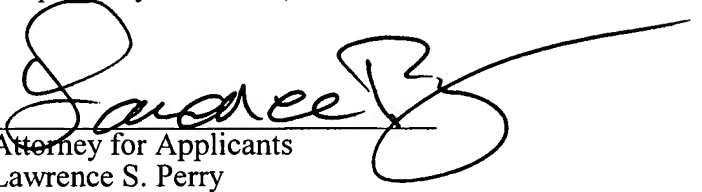
Regarding a final formal matter, Applicants respectfully wish to point out that they filed an Information Disclosure Statement on July 25, 2003. Confirmation that the references cited therein have been considered and will appear on the force of any patent issuing herein is respectfully requested in the next Patent Office communication.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 1, 3-7, 23-28 and 44-47 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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